



Submission on the Implementation of the International Covenant on Civil and Political Rights (ICCPR)

Human Rights Committee 144th session, 23 June to 18 July 2025

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Submitting Organisation: Unrepresented Nations and Peoples Organization (UNPO)

The Unrepresented Nations and Peoples Organization (UNPO) is an international membership-based organization established to empower the voices of unrepresented and marginalized peoples worldwide and to protect their fundamental human rights. The peoples represented within the UNPO membership are all united by one shared condition: they are denied equal representation in the institutions of national or international governance. As a consequence, their opportunity to participate on the national or international stage is limited, and they struggle to fully realize their rights to civil and political participation and to control their economic, social, and cultural development. In many cases, they are subject to the worst forms of violence and repression. The Catalan people have been represented in the UNPO by Assemblea Nacional Catalana (Catalan National Assembly) since 2018. The organization constitutes as the biggest Catalan pro-independence civil society organization and defends, in peaceful and democratic ways, the right to self-determination of the Catalan people.

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1. Summary

This report has been prepared by the Unrepresented Nations and Peoples Organisation (UNPO) and submitted to the Human Rights Committee for its 144th Session, scheduled for 23 June to 18 July 2025. The report critically examines the ongoing human rights violations in Spain, focusing on the situation in Catalonia and the implementation of the International Covenant on Civil and Political Rights (ICCPR).

Catalonia is currently incorporated in the Kingdom of Spain as an autonomous region and is located in its north-eastern corner. The Catalan people have their own language, culture and traditions which have faced efforts of suppression for decades. When in 2010 the Spanish Constitutional Court ruled for amendments to the Statute of Autonomy of Catalonia, the call for the exercise of the right to self-determination intensified and led to a referendum on independence in 2017, which was met with legal warfare and grave human rights violations by the Spanish government.

Currently, the stretching of legal provisions and the selective implementation of the amnesty law ensure the continuous encroachment on freedom of assembly and expression. Many arbitrarily detained and prosecuted cases persist and where recognized, arbitrary detentions have not been compensated with legal remedy.

Despite international calls on the Spanish authorities for transparency regarding the use of Pegasus against the Catalan independence movement, secrecy remains, obstructing independent investigations into the matter. Moreover, discrimination against the Catalan language, culture and identity have intensified.

Urgent reforms of the Penal Code are essential in combating the misuse of the legal system to encroach on freedom of expression and critical dissent in Catalonia. Moreover, clarification of legal definitions on terrorism and hate speech are essential in limiting the Spanish States power to stretch national legal definitions. Lastly, concerns should be raised regarding the use of regional organisations as a vehicle for the restriction of civic space of domestic civil society movements.

2. The Catalans

Located in the north-eastern corner of the Iberian Peninsula, Catalonia is currently integrated into the Kingdom of Spain and is composed of 947 municipalities and four provinces (Barcelona, Girona, Lleida and Tarragona). Home to approximately 8 million people who have their own language, parliament, civil law and traditions, Catalonia has further control over some public services and has its own police force. The northern part of Catalonia has been integrated into France since 1659.

This country is mainly inhabited by Catalans, having their own history, culture and language dating back centuries. The Catalan language is a Roman language derived from Latin which is only partially recognised by the Spanish state, and currently

identified as a regional language in France. This language is also spoken in the region of Valencia, the Balearic Islands, Andorra, the Département des Pyrénées Orientales in France, and the city of Alghero in Italy.¹

Throughout history, wars, persecution, forced assimilation policies and efforts to suppress the Catalan language and culture by both the Kingdoms of Spain and France were continuous. This suppression of the Catalan culture intensified during Francisco Franco's fascist dictatorship that lasted between 1939 and 1975. The transition to democracy in the late 1970s brought promises of greater autonomy for Catalonia, culminating in the establishment of the Statute of Autonomy of Catalonia in 1979, which devolved partial powers of limited self-government.

Despite the transition to a democratic system, tensions between Catalonia and the Spanish central government persisted, exacerbated by economic disparities, perceived injustices in fiscal redistribution, disputes over the recognition of the Catalan identity, the undermining of linguistic policies aimed at protecting Catalan language, and recentralizing attempts by Spanish authorities.

3. Implementation of the International Covenant on Civil and Political Rights

a. Article 1: Right to Self-Determination

The right to self-determination is prominently placed as Article 1 of the UN Charter, the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). Since the inception of these cornerstone human rights instruments, it has been recognized that the achievement of peace is closely tied to the respect for the right to self-determination, and it is emphasized as a foundational right serving as a prerequisite for the realization of subsequent social, political, and economic rights.²

It is by virtue of the right to self-determination that peoples are entitled to determine their political status and freely pursue their economic, social and cultural development. Accordingly, and as highlighted by the UN Human Rights Council, *“The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights.”*³

¹ Langue française et langues de France. Ministère de La Culture, <https://www.culture.gouv.fr/thematiques/langue-francaise-et-langues-de-france/agir-pour-les-langues/promouvoir-les-langues-de-france/langues-regionales>

² UNPO (2021) Sustainable and Peaceful Societies. <https://unpo.org/article/22129>.

³ CCPR General Comment No. 12: Article 1 (Right to Self-determination) The Right to Self-determination of Peoples. <https://www.refworld.org/docid/453883f822.html>.

Catalan Self-Determination: Historical context

The Catalan independence movement has found its roots in the long-standing quest for self-determination and recognition of Catalan's distinct cultural, linguistic and national identity which can be traced back hundreds of years.

The intensification of the call for Catalan self-determination can be marked by the year 2010 when the Spanish Constitutional Court ruled on a legal challenge to the 2006 Statute of Autonomy of Catalonia. This statute was an updated statute of which the first version was established in 1979 as part of the Spanish democratic transition after Franco's fascist regime granting the region partial powers of limited self-government. The 2010 ruling struck down key provisions related to Catalonia's recognition as a nation, language rights and fiscal policy and sparked mass protests in Catalonia. Catalan civil society launched a strengthened grassroots movement to defend the region's right to self-determination, and in several waves from September 2009 to April 2011, organized local non-binding consultations on independence in 554 out of 947 municipalities. The Catalan National Assembly (ANC), founded in 2012, also began organizing annual mass peaceful demonstrations in Barcelona on the Catalan National Day, drawing millions of participants each year, and hundreds of other gatherings and civic initiatives.

In November 2014 the Catalan government held a non-binding consultation on independence, in which 2,344,828 Catalans voters took part, 83.95% of which voted in favour of seceding from Spain (estimates of the number of people eligible to vote range between 5.4 million and 6.2 million). The growing demand for autonomy, stemming from decades of repressive policies that sought to quash autonomy, resulted in a self-determination movement firmly taken hold in Catalonia. Supported by a majority of voters in successive regional elections, the Catalan government announced plans to hold a referendum on independence in 2017.

However, the Spanish government, under Prime Minister Mariano Rajoy (2011-2018), vehemently opposed Catalonia's bid for independence, arguing that any referendum on secession would be unconstitutional. This is because article 2 of the Spanish Constitution is referring to the 'indissoluble unity' of the state, allowing the obstruction of any practice of the right to self-determination.⁴ While a reference to the principle of unity is not uncommon in other European country's constitutions, the Spanish emphasis on its indissoluble character is striking. Moreover, the role assigned to the country's Armed Forces as constitutional agents and defenders of territorial integrity as laid down in article 8, effectively assigns the Armed Forces as guarantors

⁴ Spanish Constitution. 1978.

<https://www.senado.es/web/conocersenado/normas/constitucion/detalleconstitucioncompleta/index.html?lang=en>

of this indissoluble unity, a provision which is highly unusual compared to other liberal democratic constitutions.⁵

The refusal of the Spanish government to engage in dialogue with Catalan leaders, and its use of legal mechanisms to block the referendum fuelled growing resentment and political polarization between Catalonia and the rest of Spain.

On the day of the referendum, the Spanish government sent thousands of riot police officers to Catalonia to disrupt and repress voting. The referendum went on despite the violent response of the Spanish authorities and the injury of more than a thousand voters, and resulted in a favourable vote for independence. 2,2 million people took part (43% turnout), with the “Yes” to independence gaining 90% (2,044,038 votes) of the votes cast. However, the Spanish authorities declared the referendum illegal, and invoked Article 155 of the Constitution to impose direct rule on Catalonia, dismissing the regional government and dissolving the Catalan Parliament. Subsequent attempts by Catalan leaders to declare independence were met with swift repression from the Spanish government, leading to the imprisonment of pro-independence politicians and activists on charges of sedition, misuse of funds and rebellion. Other leaders went into exile in different European countries, including the Catalan president, Carles Puigdemont.

In October 2019, the Spanish Supreme Court sentenced nine Catalan leaders to lengthy prison terms for their role in the 2017 independence referendum. This sparked a new wave of protests in Catalonia, with thousands taking to the streets to demand their release, which were brutally repressed by Spanish authorities. The issue of Catalan independence remains a contentious issue in Spanish politics, being the most important unresolved territorial dispute in the European Union, with profound implications for the rights of Catalans. Although it does not grant an automatic right to independent statehood of any peoples who seek it, the right to self-determination guarantees the right to believe in and seek independent statehood through non-violent and lawful means, and as such is protected under international human rights law as a democratic process.

Catalan Self-Determination: Current Challenges

Because the right to self-determination is a foundational right serving as a prerequisite for the realization of subsequent social, political, and economic rights, it cannot be separated from the broader pattern of human and civil rights violations that the Catalan people are currently facing. For this reason, the violation of the right to self-determination underlies many of the current challenges. Considering the right to self-determination as the foundation of democracy itself, where people have the right to decide their own future, rights such as freedom of opinion and expression, freedom of assembly, freedom of association, the right to public participation, and the right to

⁵ López Bofill, H. (July 2019) Hubris, constitutionalism, and ‘the indissoluble unity of the Spanish nation’: The repression of Catalan secessionist referenda in Spanish constitutional law. *International Journal of Constitutional Law* 17, no. 3 (p. 943-969)
<https://doi.org/10.1093/icon/moz064>

language and culture are crucial and must be respected. However, in the case of the Catalan people, various violations of these rights are evident, and their restriction has led to further rights violations, including the right to a fair trial and equality before the law, the right to privacy, and the right to equality and freedom from discrimination. A detailed description of these various human rights violations is outlined in this report.

b. Article 14: Right to Fair Trial and Equality Before the Law

In Spain, a systemic lack of judicial independence and the politicization of the judiciary have severely eroded the right to fair trial and equality before the law for hundreds of Catalan pro-independence representatives. Since 2018, courts in several European countries—Germany, Belgium, the United Kingdom and Italy— have consistently rejected Spanish judges’ extradition requests for Catalan independence leaders through European Arrest Warrants (EAW).

In 2020 and 2021, Belgian courts refused to execute an EAW against Lluís Puig, a former minister of the Catalan Government, as they saw significant risks to his right to a fair trial⁶, taking into account the UN WGAD’s 2019 findings in relation to the already imprisoned Catalan civil and political leaders.⁷⁸ In January 2023, the Court of Justice of the European Union ruled that an EAW may be refused “on account of systemic or generalized deficiencies in that Member State or deficiencies affecting an objectively identifiable group of persons to which the person concerned belongs”⁹, therefore paving the way to recognize systemic discrimination before the law of the Catalan pro-independence movement as a collective group.

On May 30th, 2024, an Amnesty Law¹⁰ was approved by Spanish Congress which technically annulled the sentences issued against hundreds of Catalan pro-independence activists and representatives that occurred between 2011 and 2023. This was because in order to pass legislation, the current Spanish Central Government needed the parliamentary support of two major Catalan pro-independence parties. However, the implementation of this law ultimately depends on the will of a highly politicized judiciary.

⁶ Belgium officially denies Spain’s bid to extradite Catalan politician Lluís Puig, CatalanNews <https://www.catalannews.com/society-science/item/belgium-officially-denies-spain-s-bid-to-extradite-catalan-politician-llu-is-puig>

⁷ Opinions adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, 24 April–3 May 2019 Opinion No. 6/2019 concerning Jordi Cuixart I Navarro, Jordi Sánchez I Picanyol and Oriol Junqueras I Vies (Spain) https://ap.ohchr.org/Documents/dpage_e.aspx?si=A/HRC/WGAD/2019/6

⁸ Opinions adopted by the Working Group on Arbitrary Detention at its eighty-fourth session, 24 April–3 May 2019 Opinion No. 12/2019 concerning Joaquín Forn I Chiariello, Josep Rull i Andreu, Raúl Romeva I Rueda and Dolores Bassa I Coll (Spain)

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2FWGAD%2F2019%2F12&Language=E&DeviceType=Desktop&LangRequested=False>

⁹ Judgment of the CJEU Grand Chamber on the Case In Case C-158/21

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=269942&pageIndex=0&doclang=EN>

¹⁰ 122/000019 Proposición de Ley Orgánica de amnistía para la normalización institucional, política y social en Cataluña https://www.congreso.es/public_oficiales/L15/CONG/BOCG/B/BOCG-15-B-32-10.PDF

For instance, on 1 July 2024, Spanish Supreme Court Judge Pablo Llarena issued a decision refusing to apply the Amnesty Law, explaining in his judgement through a distorted interpretation of the legislation that the amnesty provisions were not applicable to the crime of misuse of public funds; even though the law itself explicitly states otherwise. In effect, this led to the internal/national arrest warrants issued against Catalan political leaders including Mr. Puigdemont, Toni Comin, Lluís Puig being kept in place.¹¹ It has been reported that official internal communication channels of the Spanish Judiciary Authority (CGPJ) were used to instruct Spanish judges on how to obstruct the implementation of the Amnesty Law,¹² thus undermining the right to equality before the law for Catalan pro-independence advocates.

As a result of the judicial obstructions during the first two months of its implementation, in December 2024, six months after the enactment of the amnesty law, the ANC and UNPO are aware that of 486 Catalans currently under prosecution, only 97 of them have benefited from the Amnesty Law (84 are activists and 13 are elected representatives or institutional officials). However, during this same period the law has been successfully applied in favour of 96 Spanish policemen despite the fact that technically the Amnesty Law excludes cases of torture and inhuman and degrading treatment; yet, most of them are investigated for disproportionate police violence against peaceful protesters during the October 2017 independence referendum.¹³

The ANC and UNPO are aware of 51 amnesty requests having been denied (0 police officers, 28 demonstrators, and 23 politicians or public officers) and 67 amnesties having been derived to third-party courts (Spanish Constitutional Court or Court of Justice of the European Union), for 0 police officers, 15 demonstrators, and 52 politicians and/or public officers.¹⁴ In February 2025 18 more activists were denied amnesty bringing the total of denied amnesties to 69.¹⁵ In March 2025 the first four amnesties for police officers were denied for their involvement in the case of Roger Español who lost an eye due to police violence.¹⁶

c. Article 17: Right to Privacy

¹¹ Spain: Supreme Court upholds Puigdemont arrest warrant, DW

<https://www.dw.com/en/spain-supreme-court-upholds-puigdemont-arrest-warrant/a-69531773>

¹² Los jueces reciben un email con la guía para recurrir la ley de amnistía en Europa y en el Constitucional, La Razón

https://www.larazon.es/espana/jueces-reciben-email-guia-recurrir-ley-amnistia-europa-constitucional_202405256651f6cf2e4fc400017173d0.html

¹³ Amnistiats els 46 policies nacionals investigats per agredir votants de l'1-O a Barcelona, Públic

<https://www.publico.es/public/amnistiats-els-46-policies-nacionals-investigats-per-agredir-votants-l-1-o-barcelona.html#a-nalytics-tag:listado>

¹⁴ A sis mesos de l'entrada en vigor de la Llei d'Amnistia el balanç segueix sent molt pobre. Alerta Solidaria

<https://alerta.cat/a-sis-mesos-de-l-entrada-en-vigor-de-la-llei-damnistia-el-balanç-segueix-sent-molt-pobre/>

¹⁵ Denegada l'amnistia a 18 manifestants a qui es reinterpreta el motiu de la seva protesta. Alerta Solidaria

<https://alerta.cat/denegada-lamnistia-a-18-manifestants-a-qui-es-reinterpreta-el-motiu-de-la-seva-protesta/>

¹⁶ Deneguen l'amnistia als policies acusats de fer perdre l'ull a Roger Español i aniran a judici. 3Cat

<https://www.3cat.cat/324/deneguen-lamnistia-als-policies-acusats-de-fer-perdre-lull-a-roger-espanol/noticia/3341799/>

Spanish authorities have extensively resorted to the use of illegal espionage tools against the Catalan pro-independence movement. In April 2022, the use of spyware Pegasus and Candiru against at least 65 Catalan elected representatives, civil society leaders, activists, lawyers, journalists, high-tech specialists, and their relatives was revealed, for the period 2015-2021.¹⁷ Six of the targets were members of the Catalan National Assembly.¹⁸

The April 2023 report of the European Parliament PEGA inquiry committee on the use of Pegasus in EU countries stated that the Spanish Government had so far provided limited information on their role in this targeting, invoking the need for confidentiality for national security reasons. This is especially alarming in the case of the 18 out of 65 victims targeted by the Pegasus spyware which, according to the Spanish Government, was allegedly authorized by the Court including against former Catalan National Assembly President, Elisenda Paluzie.¹⁹

The PEGA committee also denounced that judicial proceedings are progressing slowly, depriving victims of prompt and meaningful legal remedy to which they have a right under article 2.3 of the ICCPR. The Spanish Ministry of the Interior has so far denied access to the relevant files, obstructing external investigations on whether human rights abuses have been taking place.

In October 2022, three UN special rapporteurs expressed grave concerns on the issue,²⁰ and on the increased risk of self-censorship, which has a chilling effect on the right to freedom of opinion and expression in Catalonia.²¹ In October 2023 the Parliamentary Assembly of the Council of Europe passed Resolution 2513,²² calling on Spanish authorities to conduct effective, independent, and prompt investigations and provide sufficient redress to victims in cases of unlawful surveillance. At the time of writing this report, these measures have not yet been implemented.

¹⁷ CatalanGate: Extensive Mercenary Spyware Operation against Catalans Using Pegasus and Candiru, CitizenLab
<https://citizenlab.ca/2022/04/catalangate-extensive-mercenary-spyware-operation-against-catalans-using-pegasus-candiru/>; How Democracies Spy on Their Citizens, The New Yorker
<https://www.newyorker.com/magazine/2022/04/25/how-democracies-spy-on-their-citizens>;

¹⁸ Catalonia calls for EU ‘protection’ from Pegasus cyber snooping, Politico
<https://www.politico.eu/article/catalan-president-stronger-eu-rules-against-digital-espionage/>; El CNI compró el sistema Pegasus para espiar en el extranjero, El País
<https://elpais.com/espana/2022-04-20/el-cni-pidio-comprar-el-sistema-pegasus-para-espiar-en-el-extranjero.html>.

¹⁹ REPORT of the investigation of alleged contraventions and maladministration in the application of Union law in relation to the use of Pegasus and equivalent surveillance spyware, European Parliament Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware
https://www.europarl.europa.eu/doceo/document/A-9-2023-0189_EN.html

²⁰ Ref.: AL ESP 8/2022, Mandatos del Relator Especial sobre cuestiones de las minorías; de la Relatora Especial sobre la promoción y protección del derecho a la libertad de opinión y de expresión; y del Relator Especial sobre los derechos a la libertad de reunión pacífica y de asociación
<https://int.asamblea.cat/wp-content/uploads/2023/01/UN-Catalangate-resolution.pdf>

²¹ Un año después, ni rastro de Pegasus..., Amnesty International
<https://www.es.amnesty.org/en-que-estamos/blog/historia/articulo/un-ano-despues-ni-rastro-de-pegasus/>

²² Pegasus and similar spyware and secret State surveillance Resolution 2513 (2023), Parliamentary Assembly of the Council of Europe <https://pace.coe.int/en/files/33116/html>

The Pegasus spyware scandal also revealed five cases of Spanish police officers' infiltrating Catalan pro-independence and other social movements between 2020 and 2022.²³ These practices are exploitative and constitute a serious abuse of the right to privacy, especially as it was reported that some police officers engaged in personal relations with activists to gain their confidence and obtain information.

Catalan judges have also been the targets of these practices. In May 2022, the ECHR ruled that Spain violated Article 8 (right to respect for private and family life) of the European Convention on Human Rights, with Spanish police illegally profiling Catalan judges based on their political views regarding self-determination and leaked them to Spanish nationalist media.²⁴

d. Article 19: Freedom of Opinion and Expression

The Spanish authorities' actions have contributed to the sharp decline in freedom of opinion and expression of many Catalans. Since 2020, dozens of activists and advocates have been investigated and/or prosecuted for "glorification of terrorism", slandering of the Spanish Crown or flag, or other related crimes.

In 2015, the Spanish Parliament enacted the so-called "Gag Law",²⁵ broadening the interpretation of what can qualify as "glorification of terrorism", in order to curb freedom of expression.²⁶ In November 2018, the Council of Europe's Commissioner for Human Rights requested to review the law "to eliminate all possibilities of disproportionate interference" with the rights to freedom of expression and peaceful assembly.²⁷ Such amendments have not yet been enacted as this year is marked by the law's ten year anniversary having generated one billion euro in fines disproportionately affecting Catalan activists and pro-independence movements.²⁸

²³ Destapen que una policia va estar infiltrada tres anys en moviments socials de Girona, 324

<https://www.ccma.cat/324/destapen-que-una-policia-va-estar-infiltrada-tres-anys-en-moviments-socials-de-girona/noticia/3240828/> ; Un segon policia nacional s'hauria infiltrat durant 2 anys als moviments socials de Barcelona, 324

<https://www.ccma.cat/324/un-segon-policia-nacional-shauria-infiltrat-durant-anys-als-moviments-socials-de-barcelona/noticia/3209577/> ; Policies infiltrats en entitats? Quan es pot fer i amb quins límits segons la llei, 324

<https://www.ccma.cat/324/policies-infiltrats-en-entitats-a-quan-es-pot-fer-i-amb-quins-limites-segons-la-lei/noticia/3169018/> ; Destapen un tercer policia nacional infiltrat en moviments socials, ara a València, 324
<https://www.ccma.cat/324/destapen-un-tercer-policia-nacional-infiltrat-en-moviments-socials-ara-a-valencia/noticia/3212147/>.

²⁴ Judgment M.D. and Others v. Spain violation

[http://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22003-7371697-10074226%22\]}](http://hudoc.echr.coe.int/eng#{%22itemid%22:[%22003-7371697-10074226%22]})

²⁵ Spanish Organic Law 4/2015, on the protection of citizen security, also known as the "Gag Law", entered into force on July 1st, 2015.

²⁶ Ley mordaza y Código Penal: todo lo que ya no puedes hacer en Internet, Gizmodo

<https://es.gizmodo.com/ley-mordaza-y-codigo-penal-todo-lo-que-ya-no-puedes-ha-1694965827>

²⁷ Letter of Council of Europe Human Rights Commissioner to Spanish government of 20 November 2018

<https://rm.coe.int/letter-to-a-pastor-julian-president-of-the-congress-of-deputies-of-spa/16808f0e2a>

²⁸ Solé Altimira, O, Ortiz, A & Sánchez, R. (29 March 2025) La 'ley mordaza' cumple diez años sin derogación a la vista tras recaudar más de 1.000 millones en multas. El Diario

https://www.eldiario.es/politica/ley-mordaza-cumple-diez-anos-derogacion-vista-recaudar-1-000-millones-multas-cat_1_12171627.html

Several Catalan artists have also been subject to prosecution and censorship. Rap singer Valtonyc was in exile in Belgium from April 2018 to October 2023, in order to avoid persecution by the Spanish judiciary for “glorifying terrorism” and “insults to the Crown”.

The case of rap singer Pablo Hasel is also of great concern. On 16 February 2021, following an order of the Spanish National High Court, he was imprisoned for the content of his lyrics. In March 2021, the Council of Europe’s Human Rights Commissioner Dunja Mijatovic called on Spanish authorities to amend the Criminal Code aligning it with Article 10 of the European Convention on Human Rights.²⁹ In November 2022 the Commissioner once again noted the lack of clarity of the provision on “glorification of terrorism” (Article 578) particularly given its arbitrary interpretations by Spanish courts.³⁰

Catalan journalists have also been criminalized. In November 2023 Judge Manuel García-Castellón, charged investigative journalist Jesús Rodríguez (La Directa) with the crime of terrorism in relation to the “Tsunami Case”.³¹ Rodríguez had revealed the cases of Spanish police infiltrations during the previous years. On 11 April 2024, Rodríguez announced his self-exile to Switzerland, with other Catalan activists facing terrorism charges. On April 30th 2024, the European mechanism Media Freedom Rapid Response issued a statement expressing concern on the fact that, given his record of exposing police crimes that have embarrassed the state, as well as the extreme nature of the charges, criminalizing dissent under the guise of anti-terrorist legislation may be “politically motivated” and also “an effort to restrict his journalism”, a direct attack against freedom of expression.³² In July 2024 the “Tsunami Case” was archived due to a procedural error by the judge in charge of the case.³³

Since 2020, attacks against the right to freedom of expression have also affected civil society organizations supporting self-determination. On March 5th, 2024, the Provincial Court of Barcelona confirmed the decision of Mercantile Court 11 to shut down the Catalan National Assembly website created for the “Strategic Consumption” campaign, aimed at favouring pro-Catalonia firms.³⁴ These actions against the “Strategic Consumption” infringe the pre-eminence of freedom of expression when

²⁹ Spanish authorities should amend the Criminal Code to strengthen existing safeguards of the right to freedom of expression, Council of Europe Commissioner for Human Rights <https://www.coe.int/en/web/commissioner/-/spanish-authorities-should-amend-the-criminal-code-to-strengthen-existing-safeguards-of-the-right-to-freedom-of-expression>

³⁰ Report following visit to Spain from 21 to 25 November 2022, Council of Europe Commissioner for Human Rights <https://rm.coe.int/report-on-spain-following-the-visit-from-21-to-25-november-2022-by-dun/1680aaeb17>

³¹ El periodista de la 'Directa' Jesús Rodríguez, imputat en la causa del Tsunami Democràtic, La Directa <https://directa.cat/el-periodista-de-la-directa-jesus-rodriguez-imputat-en-la-causa-del-tsunami-democratic/>

³² Terrorism investigation into Catalan journalist raises concerns ahead of elections, Media Freedom Rapid Response <https://www.mfrr.eu/terrorism-investigation-into-catalan-journalist-raises-concerns-ahead-of-elections/>

³³ 'Caso Tsunami': la historia de un ridículo judicial que aspiró a tumbar la amnistia, Público <https://www.publico.es/politica/caso-tsunami-historia-ridiculo-judicial-aspiro-tumbar-amnistia.html>

³⁴ Judge orders closure of ANC website for consumer campaign favouring pro-Catalonia firms, El Nacional https://www.elnacional.cat/en/politics/judge-orders-closure-catalan-pro-independence-website-consumer-campaign_902_304_102.html

confronted with freedom of business, in opposition to judgment n° 15271/16 of the ECtHR of June 11, 2020, Baldassi v. France.³⁵

Several Catalan Twitter (X) users have been prosecuted and even condemned for tweets they made mocking the Spanish monarchy,³⁶ as well as high educational institutions, such as the University of Barcelona, for criticising State repression.³⁷ Similarly, in March 2022, the Spanish Supreme Court sentenced three students to pay fines for rending a Spanish flag at the Autonomous University of Barcelona. The Court considered that rending the Spanish flag “does not fall within the right to freedom of expression”.³⁸

e. Article 21 and 22: Right to Peaceful Assembly and Freedom of Association

Despite the peaceful nature of the Catalan pro-independence movement, Spanish authorities have often referred to Catalan activists as terrorists, and falsely accused them of using violence, with the purpose of criminalizing the right to protest, creating a chilling effect that threatens the right to freedom of assembly and of association.

Since 2017 dozens of activists have been prosecuted and sentenced for their participation in peaceful protests, based on false accusations of violence. Indicative are the cases of Marcel Vivet, sentenced to five years’ imprisonment for public disorder (reduced to 1,5 years in May 2022),³⁹ Adrià Sas, sentenced to 3,5 years’ imprisonment in March 2024,⁴⁰ or Abel Mora, sentenced to 3.9 years, imprisoned in early June 2024.⁴¹

In the Annual Report of the Spanish Attorney General 2022⁴² and 2023⁴³ the so-called “violent Catalan pro-independence movement” was included in the section of terrorist threats. The Spanish Ministry of Internal Affairs requested that Europol included the

³⁵ ECtHR Rules Right to Boycott is Protected by Right to Freedom of Expression, European Legal Support Center <https://elsc.support/cases/baldassi-vs-france-2020/>

³⁶ Condenado a una multa de 720 euros un tuitero por un delito contra la Corona, Confilegal <https://confilegal.com/20220308-condenado-a-una-multa-de-720-euros-un-tuitero-por-un-delito-contra-la-corona/>

³⁷ El TSJC condemna la Universitat de Barcelona per vulnerar el deure de neutralitat, Diari de Barcelona <https://www.diaridebarcelona.cat/w/tsjc-condemna-universitat-barcelona-vulnerar-deure-neutralitat>

³⁸ Tribunal Supremo, Sala de lo Penal, Sentencia núm. 311/2022 <https://www.icaoviedo.es/res/comun/biblioteca/4003/TS.%20ULTRAJES%20BANDERA.pdf>

³⁹ 3 Rebaixen la condemna a Marcel Vivet de cinc anys a un i mig i no entrarà a presó, 324 https://www.ccma.cat/324/rebaixen-la-condemna-a-marcel-vivet-de-cinc-anys-a-un-i-mig-i-no-entrara-a-presos/noticia/31_62248/

⁴⁰ El Supremo confirma tres años y medio para Adrián Sas por agredir a dos mossos, La Vanguardia <https://www.lavanguardia.com/politica/20240314/9561033/supremo-confirma-tres-anos-medio-adrian-sas-agredir-dos-mossos.html>

⁴¹ En prisión el primer independentista que podría acogerse a la amnistía, Ara.cat https://es.ara.cat/misc/prision-independentista-acogerse-amnistia_1_5049575.html

⁴² 2022 Annual report of the Spanish Attorney General (page 429) https://www.fiscal.es/memorias/memoria2022/FISCALIA_SITE/recursos/pdf/MEMFIS22.pdf

⁴³ 2023 Annual report of the Spanish Attorney General (page 479) https://www.fiscal.es/memorias/memoria2023/FISCALIA_SITE/recursos/pdf/MEMFIS23.pdf

Catalan pro-independence movement in the yearly edition of the 2023 report “The European Union (EU) Terrorism Situation and Trend Report (TE-SAT)”.⁴⁴ This led to its inclusion under the sections ‘Left-wing and anarchist terrorist attacks’ and ‘ethno-nationalist and separatist terrorism’. After complaints filed by the Catalan pro-independence movement amendments were made which consisted in the relocation of the same reference made in the ‘ethno-nationalist and separatists terrorism’ section to a new ‘extremism’ section still referring to the violent nature of the movement. Moreover, the section of ‘left-wing and anarchist terrorist attacks’ remained unchanged. Further complaints demanding the movement's exclusion from the report have been unanswered.

However, after continued pressure from the Catalan political parties Esquerra and Junts, Europol no longer considers the movement as terrorist nor extremist and did not include any reference to the movement in the Terrorist and Trend Report of 2024. The 2023 report remained unchanged.⁴⁵

The non-violent activist platforms known as Committees for the Defense of the Republic (CDR) have been the main target of the use of antiterrorist legislation by Spanish authorities to suppress activism in Catalonia. CDR activists Tamara Carrasco⁴⁶ and Adrià Carrasco were arbitrarily accused of and investigated for terrorist activity by the Spanish National High Court. In the case of Adrià Carrasco, he spent 2 years and 8 months in exile between 2018 and 2021, for the duration of the investigation against him, ultimately being acquitted. After the acquittal of both cases no efforts have been made to supply compensation as to which both victims have a right under article 9.5 of the ICCPR.

A similar case is the one of the so-called “Judas Operation” against 12 activists of the CDR, charged with the crimes of possession of explosives, conspiracy to commit vandalism, and belonging to a terrorist organization.⁴⁷ Nine CDR members spent four months in pre-trial detention in 2019. These operations are orchestrated by the Spanish police and judiciary in order to demobilize the Catalan civic pro-independence movement.

Recently, on August 8, 2024, during the investiture of Salvador Illa as the new President of Catalonia, the Mossos d'Esquadra (Catalan police) deployed 600 officers and completely closed off Parc de la Ciutadella, where the Catalan Parliament is

⁴⁴ The European Union (EU) Terrorism Situation and Trend Report (TE-SAT) 2023 (page 68)

https://www.europol.europa.eu/cms/sites/default/files/documents/Europol_TE-SAT_2023.pdf

⁴⁵ Fageda, G. (16 January 2025) Europol ya no considera el independentismo catalán ni extremista ni terrorista. Ara

https://es.ara.cat/misc/europol-no-considera-independentismo-catalan-extremista-terrorista_1_5257188.html

⁴⁶ Una juez absuelve a Tamara Carrasco, la ‘cdr’ que estuvo un año sin poder salir de su municipio, El País <https://elpais.com/espana/catalunya/2020-10-06/el-tsja-absuelve-tamara-carrasco-la-cdr-que-estuvo-un-ano-sin-poder-salir-de-su-municipio.html>

⁴⁷ La Fiscalía de la Audiencia Nacional pide hasta 27 años de cárcel para los CDR acusados por terrorismo, Ara.cat

https://es.ara.cat/politica/fiscalia-audiencia-nacional-pide-27-anos-carcel-cdr-acusados-terrorismo_1_4867223.html

located. This closure effectively cancelled the peaceful gathering formally communicated in advance by the ANC. Crowds were dispersed and disoriented around the park's perimeter, whereupon the police deployed OC gas (pepper spray) against the crowds violating their own protocols.⁴⁸

According to the Mossos d'Esquadra protocols (established in 2019), the use of gas should only be deployed against violent demonstrations, and must be targeted at individuals exhibiting violent behavior, with a prior warning broadcast over loudspeakers. In this instance, the protest was non-violent, and the gas was dispersed overhead, affecting a wide area of about fifty meters, without any prior warning. This resulted in vomiting, skin irritation, and severe breathing difficulties for many demonstrators, some of whom continue to suffer from these effects. Medical personnel treated approximately 100 individuals.

The Mossos d'Esquadra report (published August 19, 2024) submitted to the Supreme Court after the events of August 8, 2024, included several concerning and unfounded allegations, including that the Committees for the Defense of the Republic (CDR) are a violent group. While these groups are known for their civil disobedience actions, such as blocking roads and engaging in peaceful protests, they have consistently remained committed to non-violent methods of civil disobedience. Notably, key CDR activists like Tamara Carrasco and Adrià Carrasco have been acquitted of terrorism charges, and the ongoing Judas 23S case has not yet led to any convictions. As such, it is troubling that the police report categorizes the CDR as violent when there is no legal basis for this claim.

f. Article 25: Right to Public Participation

During the last decade, Spanish authorities have worked to undermine the democratic process in Catalonia, targeting institutions and elected representatives to obstruct their policy-making capacity.

In September 2020, Catalan President Mr. Quim Torra was banned from office for 1.5 years and fined 30.000 euros by the Spanish Supreme Court, for refusing to withdraw a banner from the balcony of the main building of the Catalan Government calling for the respect of civil and political rights of Catalans.⁴⁹ For a second time in a row since 2017, elections to the Catalan Parliament were called off due to non-democratic procedures, therefore harming the right to vote and self-determination for Catalans.

⁴⁸ Mossos d'Esquadra, (27 October 2023) Protocol d'utilització de les llançadores de 40 mm i dels seus projectils. https://mossos.gencat.cat/web/content/home/01_els_mossos_desquadra/eines_policials/doc/Protocol-dutilitzacio-de-les-llancadores-de-40-mm-i-dels-seus-projectils_16_07_2019-Revisio_27_10_2023-1.pdf

⁴⁹ El Tribunal Supremo confirma la condena de un año y medio de inhabilitación al presidente de la Generalitat, Joaquim Torra, por delito de desobediencia, Poder Judicial España <https://www.poderjudicial.es/cgpj/es/Poder-Judicial/Noticias-Judiciales/El-Tribunal-Supremo-confirma-la-condena-de-un-ano-y-medio-de-inhabilitacion-al-presidente-de-la-Generalitat--Joaquim-Torra--por-delito-de-desobediencia>

In August 2022, the UN Human Rights Committee found that Spain had violated Article 25 of the ICCPR, establishing that the right to participation in public affairs of the four Catalan Parliament members was violated as they were suspended from public duties of Members of Parliament while in pre-trial detention in July 2018.⁵⁰ Likewise, in March 2023 the Committee stated that the suspension of Carles Puigdemont's candidacy for the presidency of Catalonia by the Spanish Constitutional Court in early 2018, as well as his suspension from Deputy in the Parliament of Catalonia, represented a violation of Article 25 ICCPR by Spain.⁵¹

In its Resolution 2381, approved in June 2021, the Parliamentary Assembly of the Council of Europe (PACE) called on Spanish authorities to release the Catalan political prisoners that were imprisoned since 2017,⁵² a demand which was fulfilled a few weeks later due to political negotiations with Catalan parties.

During the last decade, Catalan institutions have worked under permanent threat of repressive action. This was included in the lawsuit that former Vice President of the Parliament Mr Josep Costa filed to the UN Human Rights Committee (still pending),⁵³ in which he described how he received threats of persecution, and even of imprisonment, by the Spanish Government and Constitutional Court, aimed at blocking the investiture of President Carles Puigdemont in early 2018, with the purpose of changing the will of the majority of the parliament.

g. Article 26 and 27: Right to Equality and Freedom from Discrimination; Right to Language and Culture

Discrimination against Catalan language, culture, and identity, as well as hatred against Catalans, have been historical trends in Spain. At present, the legacy of Spanish fascist dictator Francisco Franco's authoritarian policies and political culture in Spanish institutions still profoundly affects Catalan society; from stigmatization associated with teaching or using the Catalan language, to prejudiced and racist views.

There is additionally a constant undermining and deterioration of the status of the Catalan language in education. In May 2015, the Spanish Supreme Court ruled that, in addition to already-Spanish subjects, at least 25% of all other subjects taught in

⁵⁰ Spain violated former Catalan Parliament leaders' political rights, UN Human Rights Committee finds, UN OHCHR <https://www.ohchr.org/en/press-releases/2022/08/spain-violated-former-catalan-parliament-leaders-political-rights-un-human>

⁵¹ Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 3165/2018, UN Human Rights Committee <https://digitallibrary.un.org/record/4035858>

⁵² Committee on Legal Affairs and Human Rights Should politicians be prosecuted for statements made in the exercise of their mandate? Report, Parliamentary Assembly of the Council of Europe <http://assembly.coe.int/LifeRay/JUR/Pdf/TextesProvisoires/2021/20210603-ProsecutionPoliticians-EN.pdf>

⁵³ Espanya no pot aturar la demanda de Josep Costa al Comitè de Drets Humans de l'ONU, Vilaweb <https://www.vilaweb.cat/noticies/espanya-no-pot-aturar-la-demanda-de-josep-costa-al-comite-de-drets-humans-de-l-onu/>

schools in Catalonia must also be taught in Spanish.⁵⁴ The decision represented a major institutional obstacle to the implementation of the immersion model system in Catalan schools that for decades had guaranteed that students obtained a high aptitude for both Catalan and Spanish languages.

On 9 May 2022, the Superior Court of Justice of Catalonia ordered the Catalan Minister of Education to adopt within 15 days all the necessary measures to ensure students receive at least 25% of lesson hours in Spanish.

In their recently published Sixth Evaluation Report on Spain, the Council of Europe's Committee of Experts of the European Charter for Regional or Minority Languages expresses concerns over several judicial decisions adopted by the High Court of Justice (Tribunal Superior de Justicia) at the regional level, and subsequently upheld by the Spanish Supreme Court (Tribunal Supremo) regarding language and culture.⁵⁵ In particular, they note with grave concern the High Court of Justice of Catalonia ordering the implementation of a minimum of 25% of teaching in Castilian in the Catalan education system.⁵⁶ The Committee also highlighted that "setting a minimal percentage of teaching in Castilian for every single school clearly runs counter the undertakings accepted by Spain under Article 8 of the Charter".⁵⁷

Situations in which Catalans suffer discrimination for speaking Catalan have also grown during the last few years, as denounced in the 2022 report of the Barcelona Observatory of Discriminations, with a growth of 63.6% of cases.⁵⁸ A rise in the cases of discrimination against Catalan speakers by public administrations was shown by the 2022 report on linguistic discrimination published by the NGO Plataforma per la Llengua,⁵⁹ including by Spanish police officers.⁶⁰

On 24 September 2024, the Council of Europe published a report which found that over the last five years, the situation of the Catalan language has worsened everywhere in the regions of Spain where the language is spoken, highlighting areas such as education, justice, public administration and the media.⁶¹

⁵⁴ El Supremo ordena que las escuelas catalanas impartan un 25% de las clases en castellano, *Expansión* <https://www.expansion.com/sociedad/2015/05/08/554c8594268e3e76768b457d.html>

⁵⁵ CoE Committee of Experts of the European Charter for Regional or Minority Languages, 'Sixth Evaluation Report on Spain', adopted 18 June 2024 <https://rm.coe.int/spainecrml6-en/1680b1b32d>

⁵⁶ Ibid, point 5, p.9.

⁵⁷ Ibid point 21, p.11.

⁵⁸ 0 Les discriminacions per parlar en català a Barcelona creixen més d'un 60 %, i el català és el quart motiu més habitual de discriminació, Informe de l'Observatori de les Discriminacions a Barcelona 2022

<https://www.plataforma-llengua.cat/que-fem/noticies/5881/les-discriminacions-per-parlar-en-catala-a-barcelona-creixen-mes-dun-60-i-el-catala-es-el-quart-motiu-mes-habitual-de-discriminacio>

⁵⁹ ¿Quiere hablar en catalán o quiere que su hijo se cure? Informe de casos de discriminació lingüística 2022, Plataforma per la Llengua

https://www.plataforma-llengua.cat/media/upload/pdf/informe-discriminacions-2022-vf_316_11_2482.pdf

⁶⁰ Maria Eugènia Gay va evitar investigar policies per discriminacions lingüístiques quan era delegada del govern espanyol a Catalunya, Plataforma per la Llengua

<https://www.plataforma-llengua.cat/que-fem/noticies/5837/maria-eugenia-gay-va-evitar-investigar-policies-per-discriminacions-linguistiques-quan-era-delegada-del-govern-espanyol-a-catalunya>

⁶¹ Council of Europe: 'Great concern' over court ordering schools to teach 25% of classes in Spanish (catalannews.com)

Numerous experts have expressed deep concern over the requirement to include at least 25% Spanish in classrooms. The report also warns of the situation of the language in the justice system, an area where, according to the committee, "Catalan continues to be marginalised in criminal, civil and administrative proceedings", violating citizens' rights to justice in Catalan. With regard to the public administration, the report criticizes the lack of basic knowledge of Catalan among some groups of civil servants, which generates discrimination in access to public services for Catalan-speaking residents. The media also receives special attention in the report, as the experts note that reciprocity between the media in the various Catalan-speaking territories has worsened, which means television stations in Catalan from one region cannot be seen in another. In the economy, Spain still does not ensure that safety instructions, medicine leaflets, or consumer rights information are available in Catalan.

The report highlights a worsening situation for Catalan in both the Balearic Islands and the Valencian region. In the Balearic Islands, compliance with language requirements in schools, especially in publicly funded private institutions and vocational training, has declined, while insufficient Catalan knowledge among Spanish officials is leading to discrimination in public services, particularly healthcare. Decree Law 5/2023 could exacerbate this issue. In the Valencian region, the new education law by Minister José Antonio Rovira is set to drastically reduce Catalan's presence, particularly in Spanish-speaking areas. The experts urge Spain to immediately ensure the availability of Catalan at all educational levels, in interactions with public administration, and in courts, with specific measures recommended for the healthcare and judicial sectors.⁶²

During the last decade cases of hate speech against Catalans have also risen. This is especially visible online, where there is a clear Catalano-phobic narrative in content published across all social media in Spain, especially on 'X' (formerly, 'twitter'). According to a 2020 analytical report published by Aix Global Justice, from May 24th-31st, 2020, out of a total of 130,000 conversations about Catalonia, 33% had negative connotations.⁶³

Instead of obtaining protection by Spanish authorities against this rise of hate speech, prosecution for hate crimes has actually become an additional tool to repress Catalan pro-independence activism. Such is the case of Catalan activist Albert Donaire, who is facing an indictment for a crime of incitement to hatred for expressing positions in social media in favor of Catalan independence and against language discrimination by Spanish police officers.⁶⁴

⁶² The Council of Europe's Committee of Experts confirms Spain's breach of the ECRML and rebukes the Spanish government for imposing 25% teaching in Spanish | News of Plataforma per la Llengua | Plataforma per la Llengua (plataforma-llengua.cat)

⁶³ Hate speech against the Catalan minority, Legal Reports, Aix Global Justice
<https://www.aixglobaljustice.org/en/rapportsjuridiques>

⁶⁴ A juicio un mossos independentista por «odio» a la «ideología constitucionalista», El Món
<https://elmon.cat/es/politica-es/tribunales/juicio-mosso-independentista-odiar-ideologia-constitucionalista-821044/>

Finally – despite significant national and international concern regarding the human rights violations outlined above, the Spanish government chose to deliberately omit any reference to the situation of the Catalan people in its 2025 United Nations Universal Periodic Review (UPR). This omission reflects a broader pattern of denial and lack of engagement with the underlying human rights concerns, and raises serious questions about Spain’s willingness to address systemic violations and ensure accountability and dialogue within its own borders.⁶⁵

4. Recommendations

In light of these findings, the Unrepresented Nations and Peoples Organisation (UNPO) calls upon the HRC to urgently address the human rights violations in Spain, through means of:

- Urging the Kingdom of Spain to bring their national Penal code in line with international human rights law respecting the principles necessity and proportionality to safeguard freedom of expression by:
 - The repeal of the Gag law and the ‘glorifying terrorism’ provisions.
 - The decriminalization of defamation and its transfer from the Penal to the Civil Code.
- Urging the Kingdom of Spain to consider an amendment of article 2 of its constitution to exclude its reference to the ‘indissoluble unity’ of the state as this renders any practice of the right to self-determination unconstitutional.
- Urging the Kingdom of Spain to drop all unfounded criminal charges, including terrorism charges, against peaceful civil society organizations and their members and facilitate the allocation of proportionate legal remedy to all victims of these arbitrary detentions and prosecutions.
- Denouncing the Kingdom of Spain’s use of OC gas against peaceful protesters and urge them to halt this practice and abide by its protocols of use.
- Urging the Kingdom of Spain again to provide transparency in Pegasus files to facilitate proper impartial investigation and the allocation of legal remedy to its victims.
- Holding accountable those responsible for crimes against journalists, activists or other crimes that undermine the enjoyment of freedom of expression, regardless of whether they are non-State or State actors.
- Urging the Kingdom of Spain to step up their efforts to combat racism and any form of discrimination by investigating and prosecuting every case.
- Urging the Kingdom of Spain to re-install the immersion model system to ensure the preservation of the Catalan language and call on the Kingdom of Spain to facilitate the possibility of receiving judicial and administrative services in the Catalan language.

⁶⁵ Zamorano, A. (30 April 2025) The Spanish government ignores the Catalan issue in the periodic review before the UN. Ara

https://en.ara.cat/politics/the-spanish-government-ignores-the-catalan-issue-in-the-periodic-review-before-the_1_5363933.html

- Clarifying the definition of hate speech including an exclusionary clause to set out types of speech that cannot be considered as such to prevent its use to target non-violent civil society and critical dissent.
- In the absence of an internationally agreed upon binding definition of terrorism initiate specialist opinions on its definition including an exclusionary clause to prevent civil society actors from being targeted.
- Urging regional organizations to consider amendments to their organizational structures in order to weaponize themselves against them being used as a vehicle for the restriction of civic space of domestic civil society movements by their member states.
- Initiating and stressing the importance of more research into the special position of the right to self-determination in the democratic structure of modern states and international organizations and how this right can be effectively protected.
- Initiating and stressing the importance of more research on the ways in which international and regional organizations can be used by member states as a tool to restrict civic space and how this practice can be countered, especially in light of the rise of the extreme right and authoritarian practices in the world.